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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,536	03/29/2004	Michael A. Rothman	42P18574	5343

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EXAMINER	
MA, CALVIN	
ART UNIT	**PAPER NUMBER**
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/813,536	ROTHMAN ET AL.	
	Examiner	Art Unit	
	Calvin Ma	2609	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/29/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities: the use of parentheses in claims 1 and 5 are improper since parentheses are used only for the reference character (see MPEP 608.01(M)). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 24-26 recite the limitation "The machine read medium" and "The machine medium", respectively in line 1. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 24-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 24-26 recites "The machine read medium" and "The machine medium". Claims 24-26 neither include any computer hardware component(s) nor positively recite, that the cited software program are stored on a computer medium that can be read by a machine. As such, claims 11-16 are directed toward software per se, which is non-functional descriptive material and non-statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-14, 16, 18-25, 27, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Wooten (U.S. Patent 6,947,014).

As for claim 1, Wooten discloses a system comprising: a computing device (computer) including a plurality of ports (i.e. the ports connecting to eyewear 20, mouse, power source) (see [0018] and [0023]);

a primary display device (i.e. primary display of the computer) coupled to a first port (i.e. the connection between the computer and the primary display interface the enable proper display function) of the computing device (see [0018]);

a human interface device (HID) (10) (see Fig. 1) detachably coupled to a second port of the computing device (i.e. video connector 30 attachable to the computer) (see [0023]);

and video privacy logic coupled to the computing device (the complementary software and hardware necessary for enabling the auto blanking system that works on connection of the eyewear 20 to the computer), the first port and the second port (i.e. the primary display for the computer is connected to the CPU of the computer differently with respect to the eyewear 20, which is connected concurrently with the primary display) to disable the primary display device (i.e. allows image to no longer seen in the

computer screen) and route video display data to the HID when the video privacy logic detects a user has coupled the HID to the second port (this function is understood as the blanking system functions by replacing the primary display with the eyewear display which reroute the display interface and display it privately) (see [0018],[0019] and [0023]).

As for claim 6, this claim differs from claim 1 only in that the phrase "video privacy logic" recited in claim is substituted bf the phrase "a video driver". Wooten teaches "auto blanking system" that allows the image to no longer be seen on the computer screen. This read on the limitation on "a video driver" as recited in the claim.

As for claim 12, this claim differs from claim 1 only in that claim 1 is apparatus whereas claim 12 is method. Method claim 12 is broader than apparatus claim 1. Thus it is analyzed as previously discussed with respect to the apparatus claim 1.

As for claim 19, Wooten teaches a method, comprising: coupling an HID to a port of a computing device (i.e. video connector 30 connected to computer system) (see [0018],[0023]);

sending video display data to the HID (i.e. the video signal is displayed) (see [0019]); and

viewing the video display data in a private manner in a public place (i.e. the auto blanking is set in and the private display replaces the primary display) (see [0018],[0023]).

As for claim 23, this claim differs from claim 12 only in that the limitation "a machine readable medium having instructions stored therein which when executed cause a machine (i.e. computer) to perform a set of operations" is additionally recited. Since Wooten teaches computer system performs the same function as applicant's disclosed device (see [0018], [0019] and [0023]); thus the computer system of Wooten would include computer readable medium stored instructions to operate the function of "privacy" viewing the video image on the screen.

As for claims 2 and 7, Wooten teaches the system of claim 1, wherein the HID (10) is a privacy device (i.e. private eyewear-based display system) (see [0019]).

As for claims 3 and 8, Wooten teaches the system of claim 2, wherein the privacy device comprises: a head mounted display (10) (see [0019], [0020], [0021]).

As for claims 4, 9 and 20, Wooten teaches the system of claim 3, wherein the head mounted display (10) is one of video glasses and video goggles (i.e. video signal is displayed by a miniature liquid crystal display) (see [0019]).

As for claim 5 and 10, Wooten teaches the system of claim 1, wherein the HID is coupled to the second video port via a wireless connection (see [0024]).

As for claim 11, Wooten teaches the system of claim 6, wherein the first port is a video port (i.e. the first port is the connection for the primary display that does not afford private viewing which will be video capable since the private eyewear display replacing it has the video input signal, there fore the first port must be a video port) and the

second port is an auxiliary port (i.e. the private eyewear display is a peripheral device, by definition auxiliary in nature) (see [0019]).

As for claims 13 and 24, Wooten teaches a method of claim 12, further comprising: enabling the HID (i.e. private eyewear display is engaged when it is attached to the computer it is enabled to operate in place of the primary display) (see [0018]).

As for claims 14 and 25, Wooten teaches the method of claim 13, wherein enabling the HID comprises: sending a signal to a video driver of the computing device to start sending video display data to the HID (see [0019]).

As for claims 16, 22 and 27, Wooten teaches the method of claim 12, further comprising: enabling the primary display device when the privacy device is uncoupled from the port of the computing device (i.e. the operation of the device already contain the method) (see [0018]).

As for claims 18 and 29, Wooten teach the method of claim 16, further comprising: monitoring whether the privacy device continues to be coupled to the port (i.e. the operation of the device already contain the method) (see [0018]).

As for claim 21, Wooten teaches the method of claim 19, further comprising: disabling a primary display of the computing device automatically when the HID is coupled to the port of the computing device (see [0018]).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 15, 17, 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooten (U.S. Patent 6,947,014) in view of Eck and et al (U.S.P.G. Pub 2002/0045484).

As for claim 15, note the discussion of Wooten above, Wooten teaches the method of claim 12, wherein disabling the primary display device comprises: sending a signal to a video driver of the computing device to one of stop sending video display data to the primary display device, send blank screen data to the primary driver (i.e. the

operations of the device already contain the method) (see [0018]) but does not teach send splash screen data to the primary driver such that the primary display device displays a splash screen. Eck teaches send splash screen data to the primary driver such that the primary display device displays a splash screen (see [0139]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the splash screen of Eck in addition in the primary display during the blanking period of Wooten so that a user can briefly view the primary information before viewing the detail of the content information, thereby enhancing the functionality of displaying information (see Eck [0139]).

As for claim 17, Wooten teaches the method of claim 16, wherein enabling the primary display device comprises: sending a signal to a video driver of the computing device to one of start sending video display data to the primary display device, stop sending blank screen data to the primary display device (i.e. the operations of the device already contain the method) (see [0018]). Eck teaches sending splash screen data to the primary display device (see [0139]).

Claim 26 is analyzed as previously disclosed with respect to claim 15 because it recites the same limitations.

Claim 28 is analyzed as previously disclosed with respect to claim 17 because they recite the same limitations.

Conclusion

Cheston et al. (US Patent 6944867) is cited to teach the PLUG AND PLAY feature of a personal computer system.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Ma whose telephone number is (571)270-1713. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571)272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER

Calvin Ma

March 7, 2007